

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34660

STATE OF IDAHO,)	2008 Unpublished Opinion No. 504
)	
Plaintiff-Respondent,)	Filed: June 9, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
BELINDA LEVERICH,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Randy J. Stoker, District Judge.

Order revoking probation and requiring execution of unified five-year sentence, with two-year determinate term, for possession of a stolen vehicle, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Belinda Leverich pled guilty to possession of a stolen vehicle. I.C. § 49-228. In exchange for her guilty plea, an additional charge was dismissed. The district court imposed a unified five-year sentence, with a two-year determinate term, but suspended the sentence and placed Leverich on probation. Following several violations of her probation, the district court ordered execution of the sentence, but after a period of retained jurisdiction, again suspended the sentence and placed Leverich on probation. Subsequently, Leverich admitted to violating the terms of the probation, and the district court consequently revoked probation and ordered execution of the original sentence. Leverich appeals.

It is within the trial court's discretion to revoke probation if any of the terms and conditions of the probation have been violated. I.C. §§ 19-2603, 20-222; *State v. Beckett*, 122 Idaho 324, 325, 834 P.2d 326, 327 (Ct. App. 1992); *State v. Adams*, 115 Idaho 1053, 1054, 772 P.2d 260, 261 (Ct. App. 1989); *State v. Hass*, 114 Idaho 554, 558, 758 P.2d 713, 717 (Ct. App.

1988). In determining whether to revoke probation a court must examine whether the probation is achieving the goal of rehabilitation and consistent with the protection of society. *State v. Upton*, 127 Idaho 274, 275, 899 P.2d 984, 985 (Ct. App. 1995); *Beckett*, 122 Idaho at 325, 834 P.2d at 327; *Hass*, 114 Idaho at 558, 758 P.2d at 717. The court may, after a probation violation has been established, order that the suspended sentence be executed or, in the alternative, the court is authorized under Idaho Criminal Rule 35 to reduce the sentence. *Beckett*, 122 Idaho at 326, 834 P.2d at 328; *State v. Marks*, 116 Idaho 976, 977, 783 P.2d 315, 316 (Ct. App. 1989). A decision to revoke probation will be disturbed on appeal only upon a showing that the trial court abused its discretion. *Beckett*, 122 Idaho at 326, 834 P.2d at 328.

Applying the foregoing standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion in revoking probation or in ordering execution of Leverich's original sentence. Therefore, the order revoking probation and directing execution of Leverich's previously suspended sentence is affirmed.